

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

PAULA GARCIA,

Plaintiff,

vs.

CASEY'S RETAIL COMPANY,

Defendant.

**4:15CV3100**

**MEMORANDUM  
AND ORDER**

Plaintiff has moved to compel Defendant to respond to Plaintiff's Interrogatories No. 26, 27, and 28. Plaintiff's motion concedes her discovery exceeds the permissible number of interrogatories under [Fed.R.Civ.P. 33\(a\)](#), and "Defendant is not bound to answer them." ([Filing No. 24](#)).

Plaintiff appears to be requesting leave to serve, and an order requiring defendant to answer, more than 25 interrogatories. The court cannot address this argument without reviewing Plaintiff's interrogatories and deciding whether, based on the allegations in the pleadings and the information requested, exceeding the numerical limit imposed by the federal discovery rules<sup>1</sup> is warranted. Plaintiff has not filed a copy of the interrogatories served and those which remain unanswered.

Accordingly,

IT IS ORDERED that Plaintiff's motion to compel, ([Filing No. 24](#)), is denied.

January 25, 2016.

BY THE COURT:  
s/ Cheryl R. Zwart  
United States Magistrate Judge

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<sup>1</sup> The parties' briefs discuss both the federal and state discovery rules governing limits on interrogatories. The federal discovery rules govern the parties' discovery and the issues raised by Plaintiff's motion to compel.